IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE CIVIL JURISDICTION

WRIT PETITION NO.7107 OF 2005

Shri Dnyaneshwar Bhanudas Yadav . Petitioner

versus

The Principal,Kendriya Vidyalaya & ors..Respondents

Mr.A.P.Vanarase for Petitioner

CORAM :R.M.S.KHANDEPARKAR &

SMT ROSHAN DALVI, JJ

DATED : 15th June, 2006

P.C.

1. Heard advocate for the petitioner. The records and findings arrived at by the Court of facts clearly show that the petitioner had remained absent without leave and therefore he was declared to have abandoned the service. The said order was followed by necessary proceedings and award of

dismissal from service. The law on the point that absence without due sanction or leave of the employer is considered as a major misconduct on the part of the employee and can warrant dismissal from service is well-settled by a catena of decisions including the recent decision of the apex Court in that behalf. Being so, no fault can be found with the order passed by the authorities and the tribunal confirming the dismissal of the appeal of the petitioner on account that he had failed to establish that he had proceeded on leave with prior sanction in that regard. Hence, petition is rejected.

(R.M.S.Khandeparkar, J)

(Smt Roshan Dalvi, J)